

**REMARKS/ARGUMENTS**

After the foregoing Amendment claims 1-4, 8-11, 13-14, 18-20 and 42-43 are currently pending in this application. Claims 5-7, 12, 15-17 and 21 were previously cancelled. Claims 22-41 were previously withdrawn. Claims 1, 3, 4, 8, 11, 13, 14, 18 and 42 are amended. Applicant submits that no new matter has been introduced into the application by these amendments.

**Claim Rejections - 35 USC §103**

Claims 1, 2, 11, 42 and 43 are rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,324,160 to Martin et al. (hereinafter “Martin”) in view of U.S. Patent No. 6,332,008 to Giallorenzi et al. (hereinafter “Giallorenzi”) and U.S. Patent No. 7,272,163 to Hao et al. (hereinafter “Hao”).

Independent claims 1, 11 and 42 are not taught or disclosed by the cited references. Claims 1, 11 and 42 recite a first plurality of reverse link signals and a second plurality of reverse link signals in a time interval. The reverse link signal of the first plurality of reverse link signals being derived from a common pseudo noise (PN) sequence and an unique orthogonal sequence. Although Martin may discuss Walsh codes, there is no discussion of a common code. There is no indication of a need for a common code. The Office Action and Advisory Action provide no reason why one would need additional “common codes” for “distinguishing signals” from

Hao when Martin has shown no need for them with respect to the first plurality of signals as recited in claims 1, 11 and 42. In particular, one of ordinary skill in the art would have no reason, need or rationale to review other references. Moreover, Hao is based on a different architecture and coding scheme. Inserting a 3G based technology into a 2G based technology (IS-95) by combining selective portions based on Applicant's specification is neither rationale, workable or appropriate. Applicant respectfully requests withdrawal of the rejection.

Claims 2 and 43 are dependent on independent claims 1 and 42 and are believed allowable for the reasons stated above and Applicant respectfully requests allowance of same.

Claims 3, 4, 8-10, 13, 14 and 18-20 are rejected under 35 USC §103(a) as being unpatentable over Martin, Giallorenzi and Hao as applied to claims 1 and 11 above, and further in view of U.S. Patent Application Publication No. 2007/0076583 to Hadad. Claims 3, 4, 8-10, 13, 14 and 18-20 are dependent from independent claims 1 and 11, respectively, and are believed allowable for the reasons stated above. Applicant respectfully requests withdrawal of the rejection.

### **Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a

**Applicant:** James A. Proctor, Jr.  
**Application No.:** 10/767,843

telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

James A. Proctor, Jr.

By /Abhik A. Huq/  
Abhik A. Huq  
Registration No. 40,656

Volpe and Koenig, P.C.  
United Plaza  
30 South 17th Street  
Philadelphia, PA 19103-4009  
Telephone: (215) 568-6400  
Facsimile: (215) 568-6499

AAH/hg  
Enclosures